IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3759 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

@

CHANDUBHAI RANCHHODBHAI BHIL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 3759 of 2002

MR HR PRAJAPATI for Petitioner No. 1

MR MR PRAJAPATI for Petitioner No. 1

MY AY KOGJE, AGP for Respondent No. 1-3

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 21/06/2002

ORAL JUDGEMENT

1. In this petition under Article 226 of the Constitution of India, the petitioner- detenu has challenged the legality and validity of the order of

detention dated 8.2.2002 passed against him by the Police Commissioner, Ahmedabad City, in exercise of the powers conferred on him by Section 3(2) of The Prevention of Anti-Social Activities Act, 1985 (hereinafter referred to as the PASA Act) the petitioner-detenu.

2. Heard ld. counsel Mr. Prajapati for the petitioner and ld. AGP Mr. A.Y.Kogje for the respondents. Affidavit-in-reply filed by the detaining authority produced by the ld. AGP Mr. Kogje is also taken on record.

3. Ld. counsel Mr. Prajapati has taken me through entire set of papers available on record and grounds of detention served on the petitioner- detenu. Ld. counsel Mr. Prajapati has submitted that the case of the present petitioner is squarely covered by the decision of this Court rendered today while dealing with Spl.C.A. No. 2391/2002. Referring three decisions including the decision of the Apex Court in the case of Kanuji Zala v/s State of Gujarat & Ors. 1992(2) GLH 415 which were also relied on the aforesaid decision, ld. counsel Mr. Prajapati has submitted that this petition also be allowed and impugned order of detention be quashed and set aside. In earlier decision, four different cases were registered under the Bombay Prohibition Act whereas in the instant case, two different criminal cases are registered.

4. Ld. AGP Mr. Kogje, in response to the query raised by this Court has fairly submitted that the case of the present petitioner is squarely covered by the earlier decision rendered by this Court today and, therefore, he would not press for reasoned order.

5. In the facts and circumstances of the case, the reasons given by this Court in Spl.C.A. No. 2193/2002 are adopted as reasons in this petition and it is held that the activities of the detenu are not prejudicial to the "public order" and, therefore, order of detention requires to be quashed and set aside.

6. For the reasons aforesaid, this petition is allowed. Impugned order of detention dated 8.2.2002 passed by Police Commissioner, Ahmedabad City, is hereby quashed and set aside and detenu is hereby ordered to be set at liberty forthwith if he is not required to be detained in any other case. Rule is made absolute.
Direct Service is permitted.

21-6-2002 [C. K.BUCH, J]
*rawal